

UNITED STATES DISTRICT COURT

# Middle District of North Carolina

JOHN MARVIN OVERMAN, JR.,

Plaintiff,

V.

THEODIS BECK, Secretary of  
Prison,

Defendant.


1:06CV1056

# J-U-D-G-M-E-N-T

On December 11, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff's petition for writ of habeas corpus [Pleading no. 2] be and the same hereby is, **DISMISSED** without prejudice to Plaintiff filing a new petition on the proper section 1983 forms which corrects the defects noted in the Recommendation.

  
United States District Judge

DATE: February 5, 2007